

MICHELE BECKWITH
Acting United States Attorney
JEFFREY A. SPIVAK
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN JAMES JOSE,

Defendant.

CASE NO. 1:24-cr-000046-JAM-BAM

**MOTION TO DISMISS COUNT ONE OF
INDICTMENT; ORDER (ECF No. 41)**

DATE: January 22, 2025

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

STIPULATION

The United States of America, by and through Michele Beckwith, Acting United States Attorney, and Jeffrey A. Spivak, Assistant United States Attorney, hereby moves to dismiss Count One of the Indictment (charging a violation of 18 U.S.C. § 13, Cal.Veh.C. § 10851(a) – driving or taking vehicle not his own) without prejudice, in the interest of justice, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

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1 Additionally, in light of the sole remaining count (Count Two) charging a Class B misdemeanor
2 (36 C.F.R. § 2.32(a)(3) - Knowingly giving false report or other false information to an authorized
3 person investigating a violation of law or regulation), and in light of the case arising out of Yosemite
4 National Park, the United States requests the case be reassigned to the Hon. Helena M. Barch-Kuchta or
5 another Magistrate Judge in the Fresno Division, as appropriate, for further proceedings.

6 Dated: January 14, 2025

MICHELE BECKWITH
Acting United States Attorney

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9 /s/ JEFFREY A. SPIVAK
JEFFREY A. SPIVAK
Assistant United States Attorney
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12 **ORDER**

13 The government's motion to dismiss Count One of the Indictment is **GRANTED** and Count One
14 is **DISMISSED without prejudice**. The status conference remains as set on February 26, 2025, at 1:00
15 p.m., in Courtroom 8, on the 6th floor of the Robert E. Coyle Federal Courthouse, in Fresno, California,
16 before Magistrate Judge Barbara A. McAuliffe.

17 IT IS SO ORDERED.

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19 Dated: January 16, 2025

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE
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